

## FORM 26. Docketing Statement

# UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14-1492Carnegie Mellon University

v.

Marvell Technology Group, Ltd. and Marvell Semiconductor, Inc.

## DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Carnegie Mellon University

Party is (select one) ☐ Appellant/Petitioner ☐ Cross-Appellant  
☒ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and Case No. W.D. Pa. 2:09-cv-00290-NBFDate of Judgment/Order 5/7/2014 Type of Case Patent InfringementRelief sought on appeal Marvell seeks reversal of the jury verdict and award of damages.

Relief awarded below (if damages, specify) \$1,535,889,387.60, which includes:  
 \$1,169,140,271 (jury verdict); \$79,550,288 (supplemental damages); \$287,198,828.60 (enhanced damages); post-judgment interest on \$1,248,690,559 (jury verdict plus supplemental damages). The court also awarded an ongoing royalty of \$0.50 per chip.

Briefly describe the judgment/order appealed from \_\_\_\_\_  
 Following a month-long jury trial and post-trial briefing, the district court entered judgment that CMU's patents (U.S. Patent Nos. 6,201,839 and 6,438,180) are not invalid and were willfully infringed (directly and indirectly) by Marvell. The judgment awarded damages and an ongoing royalty, as described above.

## Form 26

## FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) \_\_\_\_\_
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) \_\_\_\_\_

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued \_\_\_\_\_

None.

Brief statement of the issues to be raised on appeal \_\_\_\_\_

CMU anticipates that Marvell may raise issues including infringement, validity, the amount of damages, laches, and willfulness.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☒ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

☒ Yes ☐ No

If they were mediated, by whom? Hon. Edward A. Infante (former Chief Magistrate Judge of  
the U.S. District Court for the Northern District of California); Mark Mohny, Esq.

**FORM 26. Docketing Statement (continued)**

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not \_\_\_\_\_

Although CMU has been and remains willing to discuss resolution of its claims at any time, the above history of mediated settlement discussions and the complete absence of progress towards settlement in the 1.5 years since the jury rendered its verdict indicate that the prospects for a negotiated resolution of this matter are remote. In the event that the Court requires the parties to participate in mediation, CMU respectfully requests that any such mediation be conducted in parallel with the appeal so as to not delay the final resolution of this matter and further believes that the participation of Marvell's CEO, Dr. Sehat Sutardja, must be required.

Provide any other information relevant to the inclusion of this case in the court's mediation program. \_\_\_\_\_

N/A

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 16th day of June, 2014

by: ECF

(manner of service)

E. Joshua Rosenkranz

/s/ E. Joshua Rosenkranz

Name of Counsel

Signature of Counsel

Law Firm Orrick, Herrington & Sutcliffe LLP

Address 51 West 52nd Street

City, State, ZIP New York, NY 10019-6142

Telephone Number (212) 506-5000

FAX Number (212) 506-5151

E-mail Address jrosenkranz@orrick.com